

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
10000 N. EL MIRAGE ROAD
6:00 PM – TUESDAY, JUNE 19, 2018**

Minutes

I. ROLL CALL

Present: Mayor Lana Mook, Vice Mayor Bob Jones, Councilmember Roy Delgado, Councilmember Anita Norton (via telephone), Councilmember Jack Palladino, Councilmember Lynn Selby (via telephone), Councilmember David Shapera

II. CALL TO ORDER

The meeting was called to order at 6:00 pm.

Pledge of Allegiance

Moment of Silence

Silence Cell Phones & Pagers

Introduction of new City employees

Director of Court Services Rod Wettlin introduced Karla Zermeno Ortega as the new Judicial Assistant.

III. CALL TO THE PUBLIC

Citizens desiring to speak on any issue within the jurisdiction of the public body may do so at this time. Comments shall be limited to three (3) minutes per person and shall be addressed to the City Council as a whole. At the conclusion of the Call to the Public, individual City Council Members may (1) respond to criticism made by those who have spoken (2) direct staff to review or follow up on the matter, and/or (3) direct that the matter be put on a future agenda.

Resident Dan Riley advised Council that on June 9th he was made Commander of GFW 10695 with an El Mirage address and was proud to share this news with the Council; he handed out his new business cards.

Coco's Towing owner Jim Farley thanked Council for the completion of the road work and also thanked Fire and Police for their helpfulness. Mayor Mook commented that Public Safety appreciates the speedy response times from Coco's.

Resident Steve Gilliam reported the missing APS pole on Acoma was installed today and he thanked Council for their assistance. He further suggested that the Arizona Corporation Commission be contacted because of the delay and length of time it took to replace the pole.

IV. CONSENT AGENDA

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda Item, that item will be removed from the Consent Agenda and voted on separately.

1. Consideration and action to approve the minutes of the Special Council meeting held Monday, June 4, 2018 and the Regular Council meeting held Tuesday, June 5, 2018. (City Clerk)
2. Consideration and action to approve an extension to the existing Intergovernmental Agreement (IGA) between the Dysart Unified School District and the City of El Mirage for continuing the School Resource Officer (SRO) Program at a cost not to exceed \$102,500 through June 30, 2019. (Police)
3. Consideration and action to authorize the City Manager to enter into budgeted goods and services contracts to allow Public Works to perform their duties during FY 2018/19. (Public Works)
4. Consideration and action to adopt Financial Policies. (Finance)
5. Consideration and action to authorize the Interim Finance Director to make transfers as necessary for FY 2017-18 to adjust fund and department balances to comply with annual audit. (Finance)
6. Consideration and action to approve Resolution R18-06-12 amending the City of El Mirage Personnel Policy Manual dated June 30, 2008, Section 3.1. Classified and Unclassified Service. (Human Resources)
7. Consideration and action approving Resolution R18-06-13 to continue and extend the term and conditions of the agreement between Cox Communication Arizona LLC (Cox) and the City of El Mirage. (Administration)

Vice Mayor Jones moved to approve Consent Agenda Items 1 through 7 as presented; seconded by Councilor Delgado. Motion carried unanimously (7/0).

V. REGULAR AGENDA

- A. Consideration and action to affirm the Interim City Manager's selection of Christopher DeChant as the next Fire Chief for the City of El Mirage subject to the terms and conditions of his conditional offer of employment and upon successful completion of the pre-employment process. (Administration)

Interim City Manager Robert Nilles introduced the new Fire Chief Chris DeChant. Chief DeChant thanked the Council for offering him the opportunity and indicated he was introduced to fire service by the El Mirage Fire Department in 1994. He stated he looks forward to working with Chief Richardson, Chief Marzocca and other City employees and he will diligently work to fulfill the commitments he made through the selection process.

Vice Mayor Jones moved to affirm the Interim City Manager's selection of Christopher DeChant as the next Fire Chief for the City of El Mirage subject to the terms and conditions of his conditional offer of employment and upon successful completion of the pre-employment process; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- B. Public hearing, followed by closure of public hearing, to permit any taxpayer to be heard in favor or against any proposed expenditure or tax levy. (Finance)

Mayor Mook opened the Public Hearing.

Interim Finance Director Christy Eusebio displayed a PowerPoint Presentation showing the FY 2018-2019 budget is \$70,035,000 which is \$323,500 more than last year; there will be no water, sewer or sanitation rate increases.

The Police Department is adding a total of nine full-time employees - a 6th squad with five officers and one sergeant, a Community Services Officer, and two Police Assistants. Two of the 6th Squad Officers will be requests through a "COPS" grants, as well as a grant funding request for an additional K9 including a vehicle. The Fire Department is adding seven full-time employees - six fire fighters and one administrative assistant. The six firefighters will be requested through a "SAFER" grant. Three additional fire fighters were hired in FY 2017-18 resulting in a total increase of 10 full-time employees. Court will be adding two full-time employees as judicial assistants.

There are no changes from the Tentative Budget to the Adopted Budget. She showed charts that broke down the various sources of city revenue by dollar and percentage amounts as well as the various funds for expenses by dollar and percentage amounts.

She summarized by stating that the final budget is \$70,035,000 and is within 1% of the FY2017-18 budget. Full-time employees increased by approximately 20 and most of those increases are in Public Safety. The Council contingency of approximately \$1.5 million can be used for a variety of options.

Ms. Eusebio then reviewed the FY2018-2019 Tax Levy and gave a sample breakdown of a tax disbursement from an average tax bill using assessed value. The Primary Property Tax is dedicated by Council Resolution to Police and Fire and the Secondary Property Tax is restricted for voter-authorized General Obligation Bond debt.

Mayor Mook commented that the individual tax bills used as examples in Ms. Eusebio's presentation were, in fact, tax bills for her home over the past few years. She commented that homes are taxed on an "assessed" value rather than what a home might sell for and the assessed value is considerably lower than a sale price. Using these examples the proposed tax increase would, on average, amount to approximately \$45.00 per year. She noted her understanding of the difficulties in raising any taxes but also noted this Council has held steady and not increased the Primary Property Tax since 2010. She stated her belief that there is a need to do so now and that the increase, for the benefit to be received, is minimal.

Vice Mayor Jones commented he and the Mayor share the same square footage and his increase would also amount to approximately \$45 per year. He further added and asked residents to understand that 100% of this tax goes towards public safety and breaks down to approximately \$3.75 per month. He, too, stated he understands some residents live paycheck to paycheck and it is difficult to raise taxes, but El Mirage has grown since 2010 and there is a need to provide public safety for all citizens. He stated he has researched

staff response times for both Fire and Police, noted that staff has not increased or kept pace with the growth of the community, and stated his belief that all residents and businesses need to have adequate public safety protection. He stated increases and improvements are necessary to have public safety be able to respond to health issues, fire damage and crimes of all nature.

Resident Dan Riley reported Police responded when he had a break-in of his vehicle and the Fire Department responded earlier this year when he became ill; he stated he is very supportive of public safety.

Resident Steve Gilliam requested a definition of State Shared Revenue and Ms. Eusebio explained that it is the City's share of state collected income tax, sales tax and vehicle license tax and is based on population. Mayor Mook pointed out this is a major reason why it is so important to have an accurate Census count. Ms. Eusebio also responded to Mr. Gilliam's other question regarding employment of personnel if a grant was not received by stating that those positions were not budgeted so if grant funding was not received, the City can either not hire them or use contingency funds to hire them.

Hearing no other comments, Mayor Mook closed the Public Hearing.

- C. Consideration and action, in accordance with Truth in Taxation legislation, to levy increased FY 2018-2019 Primary Property Tax equal to the constitutional legal limit of \$2,200,493. (Finance)

Vice Mayor Jones moved, in accordance with Truth in Taxation legislation, to levy increased FY 2018-2019 Primary Property Tax equal to the constitutional legal limit of \$2,200,493; seconded by Councilor Palladino. Motion carried unanimously (7/0).

ROLL CALL VOTE REQUIRED BY STATUTE:

Yea: Mayor Lana Mook, Vice Mayor Bob Jones, Councilor Jack Palladino, Councilor Lynn Selby, Councilor Anita Norton, Councilor Roy Delgado and Councilor David Shapera

Nay: None

- D. Consideration and action to convene in a Special Meeting to finally determine and adopt estimates of proposed expenditures pursuant to A.R.S. §42-17105 Adoption of Budget. (Finance)

Vice Mayor Jones moved to convene into a Special Meeting to finally determine and adopt estimates of proposed expenditures pursuant to A.R.S. §42-17105 Adoption of Budget; seconded by Councilor Delgado. Motion carried unanimously (7/0).

**SPECIAL MEETING OF THE COMMON COUNCIL
OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
10000 N. EL MIRAGE ROAD
TUESDAY, JUNE 19, 2018**

E. SPECIAL MEETING AGENDA

- SP1. Consideration and action to approve Resolution R18-06-11 to finally determine and adopt the FY 2018-2019 proposed spending limitation and budget at \$70,035,000. (Finance)

Vice Mayor Jones moved to approve Resolution R18-06-11 to finally determine and adopt the FY 2018-2019 proposed spending limitation and budget at \$70,035,000; seconded by Councilor Delgado. Motion carried unanimously (7/0).

Vice Mayor Jones moved to adjourn the Special Meeting and resume the Regular Session; seconded by Councilor Delgado. Motion carried unanimously (7/0).

REGULAR AGENDA RESUMED

- F. Consideration and action to authorize the Interim Finance Director to make a budget transfer of \$60,000 from FY 2018-2019 Council Contingency to purchase 2 additional Code Enforcement vehicles at a cost of no more than \$30,000 each. (Finance)

Vice Mayor Jones moved to authorize the Interim Finance Director to make a budget transfer of \$60,000 from FY 2018-2019 Council Contingency to purchase 2 additional Code Enforcement vehicles at a cost of no more than \$30,000 each; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- G. Consideration and action to authorize the City Manager to negotiate and enter into an agreement with Northwest Valley Connect (NVC), a nonprofit 501 (c) 3, for local Dial-A-Ride transit services for FY18-19 in an amount not to exceed \$106,000 pursuant to City Code § 30.23 Purchasing Authority (B)(3). (Grants/Interim City Manager)

Grants Writer Autumn Grooms reported the City wishes to provide Dial-A-Ride transit services for handicapped and elderly citizens paid for through ALTA Lottery Funds.

Vice Mayor Jones moved to authorize the City Manager to negotiate and enter into an agreement with Northwest Valley Connect (NVC), a nonprofit 501(c)3, for local Dial-A-Ride transit services for FY 18-19 in an amount not to exceed \$106,000 pursuant to City Code §30.23 Purchasing Authority (B)(3); seconded by Councilor Delgado. Motion carried unanimously (7/0).

- H. Consideration and action to approve an Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) for Regional ADA Paratransit Service for FY18-19 at a cost not to exceed \$26,200. (Grants)

Ms. Grooms reported RPTA will provide transportation for ADA paratransit residents.

Vice Mayor Jones moved to approve an Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) for Regional ADA Paratransit Service for FY18-19 at a cost not to exceed \$26,200; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- I. Public Hearing, closure of public hearing, followed by Council's consideration and action to recommend to the Arizona Department of Liquor Licenses & Control approval/ disapproval of an application for a new license for Circle K, 13777 N. Dysart Road. (Police)

Mayor Mook opened the Public Hearing.

Police Chief Paul Marzocca reported on Liquor License request No. 19518 for Kim Kenneth Kwiatkoski for the Circle K Stores (formerly Corner Store) located at 13777 N. Dysart Road. He provided a PowerPoint presentation on the results of the required background check performed and reported to Council that the Police Department has "no recommendation" based on their investigation and information obtained.

Hearing no public comments, Mayor Mook closed the Public Hearing.

Vice Mayor Jones moved to recommend approval to the Arizona Department of Liquor Licenses & Control of the application for a new license for Circle K, 13777 N. Dysart Road; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- J. Consideration and action to authorize the City Manager to enter into Job Order Contract PW19-JOC01 with multiple vendors for various paving and minor construction projects annually. (Public Works)

This agenda item was removed from this agenda at staff request.

- K. Consideration and action to use the City of Peoria JOC No. ACON01317 for the purpose of re-establishing the Public Utility Easement (PUE) between Alto Street and Palm Street from Thunderbird Road to Well Street in the amount of \$167,234.50 including a 10% contingency. (Community Development)

Assistant City Engineer Bryce Christo reported most of Downtown El Mirage was platted in the 1940s with lots fronting on the street and a dedicated 20-foot alley between the lots. The area between Alto Street and Palm Street was platted with a 12' Public Utility Easement (PUE) that ran along the rear yards instead of an alley. Some lots have encroached into the PUE where City water mains and utility poles run. Portions of the PUE have been fenced off by owners which complicates access to the water main during a break. The Engineering Department was tasked with clearing the rear yards of these properties to re-establish the PUE and to allow for the future replacement of the existing water main.

Engineering Staff sent out letters and visited each of the lots between Well Street and Thunderbird Road to explain the proposed project. The property owners were asked to allow the City to relocate their wall/fence and other structures out of the PUE. There are a total of 50 lots with 24 lots encroaching into the PUE, 24 lots do not encroach into the PUE and two lots belong to the City. Eleven property owners agreed to allow the relocation.

Using the City of Peoria Job Order Contract (JOC), the City selected DBA Construction to provide construction services which consist of the relocations of walls and fences, landscaping, and various other structures within the rear yards of private residences. The

total cost of these improvements is \$152,031.36 with an additional \$15,203.14 in contingency for a total of \$167,234.50; this project is funded in the City's Capital Improvement Plan.

Mr. Christo pointed out this clearing of the PUE is the first phase of the re-establishment with future phase(s) providing clearance of the other 13 parcels and any other improvements required for the eventual replacement of the existing water main within the PUE. The original project budget is \$500,000.00 in the Capital Improvements Plan; This Phase 1 project cost is \$186,216.08, leaving \$313,783.92 remaining.

Mayor Mook asked about the 13 who have not given consent and Mr. Christo stated they would be addressed in Phase 2. During this phase, owners would again be contacted and staff would work with the City Attorney on how to proceed with obtaining concurrence to move forward.

Vice Mayor Jones moved to use the City of Peoria JOC No. ACON01317 for the purpose of re-establishing the Public Utility Easement (PUE) between Alto Street and Palm Street from Thunderbird Road to Well Street in the amount of \$167,234.50 including a 10% contingency; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- L. Consideration and action to approve an updated Council Handbook that includes an updated Code of Ethics for Elected Officials. (Councilmembers Delgado and Selby)

Mayor Mook commented that Item #7 on Page 25 of the proposed handbook states "A Councilmember shall not be allowed to attend Executive Sessions by telephone. If a quorum of the Council is not available to attend an Executive Session in person, the Council shall not hold an Executive Session." She provided a chart showing that from 2013 through June 2018 there has been only one Executive Session in which a Councilmember attended via telephone. She stated she does not believe this item is necessary as it prohibits a Councilmember from participating in their duties and there are legitimate times when it may be necessary for a Councilmember to attend via telephone. She recommended to remove this section from the proposed handbook.

Councilor Shapera agreed with Mayor Mook to remove the section as noted.

Vice Mayor Jones moved to approve an updated Council Handbook that includes an updated Code of Ethics for Elected Officials upon removal of page 25, Item #7; seconded by Councilor Palladino. Motion carried unanimously (7/0).

- M. Consideration and action to approve Ordinance O18-06-06 amending the Code of the City of El Mirage, Chapter 31 § 31.20 CITY MANAGER, (E) Powers and Duties (9) Property Manager. (Councilmembers Norton, Selby and Shapera)

No questions or comments.

Vice Mayor Jones moved to approve Ordinance O18-06-06 amending the Code of the City of El Mirage, Chapter 31 § 31.20 CITY MANAGER, (E) Powers and Duties (9) Property Manager; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- N. Consideration and action to approve Resolution R18-06-07 amending that certain document of the City Code titled CHAPTER 32, §§ 32.020, 32.021, 32.025, 32.060, and 32.061 relating to miscellaneous changes to update the Council Handbook and declaring the Resolution and additional section included in Exhibit "A" as a public record for publishing per A.R.S. § 9-802. (Councilmembers Norton, Selby and Shapera)

Vice Mayor Jones moved to approve Resolution R18-06-07 amending that certain document of the city Code titled CHAPTER 32, §§ 32.020, 32.021, 32.025, 32.060, and 32.061 relating to miscellaneous changes to update the Council Handbook and declaring the Resolution and additional section included in Exhibit "A" as a public record for publishing per A.R.S. § 9-802; seconded by Councilor Delgado. Motion carried unanimously (7/0).

- O. Consideration and action to approve Ordinance O18-06-05 amending CHAPTER 32, §§ 32.020, 32.021, 32.025, 32.060, and 32.061 relating to miscellaneous changes to update the Council Handbook and declaring to be a public record by reference in Resolution R18-06-07. (Councilmembers Norton, Selby and Shapera)

No questions or comments.

Vice Mayor Jones moved to approve Ordinance O18-06-05 amending CHAPTER 32, §§ 32.020 32.021, 32.025, 32.060, and 32.061 relating to miscellaneous changes to update the Council Handbook and declaring to be a public record by reference in Resolution R18-06-07; seconded by Councilor Delgado. Motion carried unanimously (7/0).

VI. INTERIM CITY MANAGER'S COMMENTS & SUMMARY OF CURRENT EVENTS

The City Council may not act upon any matter in the City Manager's summary but may have general comment or questions.

Interim City Manager Robert Nilles reported the water tank on Thunderbird Road will be painted and the City log added by the end of the fiscal year.

Mr. Nilles also reported that Fire Chief Chris DeChant stated he would prefer to have a regular sedan for the Fire Chief vehicle which will lower the budgeted cost for a Chief vehicle; the cost savings will be used to fully outfit the other two vehicles being purchased for the department.

VII. MAYOR'S COMMENTS and COUNCIL SUMMARY OF CURRENT EVENTS

The Mayor and City Council may not discuss or act upon any matter in the summary unless the specific matter is properly noticed for legal action.

Mayor Mook reported the City has been notified that CDBG funding has been awarded and the City has been approved for \$400,000 to provide ADA ramps to approximately 70 sidewalks; pictures of the "before" and proposed "after" were presented. Mayor Mook thanked Grants Writer Autumn Grooms and City Engineer Jorge Gastelum for their work on this project.

Councilor Shapera reported the members of the Public Safety sub-committee met in June and will be on hiatus until September. He asked that there be City publicity to encourage more residents to participate on this committee.

VIII. ADJOURNMENT - The meeting was adjourned at 7:12 pm.



Lana Mook, Mayor

ATTEST:



Sharon Antes, City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the Regular and Special El Mirage City Council Meeting held on Tuesday, June 19, 2018 and a quorum was present.



Sharon Antes, City Clerk